

REMARKS

Claims 1-25 are pending in the current application. Of those, claims 1, 6, 9, 11, 13, 15, 18, and 21 are independent claims. No claims are amended by this Response. No claims are canceled by this Response.

Examiner Interview

Initially, Applicants wish to thank Examiner Adegeye for his time and helpful comments during the telephonic interview of February 24, 2009. During the telephonic interview, Applicants discussed the Mori and Oh references. In particular, Applicants argued that **neither Mori nor Oh disclose the “sub-planes” of claim 1.** The **Examiner found the Applicants’ arguments agreeable** and stated that he had not considered the claim language as argued by the Applicants, which is detailed below.

For example, claim 1 recites *inter alia*, “the additional data is included in a plurality of **sub-planes** based on a type of the additional data, each of the **sub-planes** including at least one of the **distinct regions**.” The Examiner relies on Para. [0079-0080] of Mori to disclose the above limitation but Para. [0079-0080] of Mori only disclose “overlaying the graphic signal on the digital video signal” via a “compositor.” In fact, because Mori only has one type of additional data, graphic data, Mori does not even teach differentiating additional data based on a **type of the data**. Thus, Mori does not disclose “**sub-planes** based on a **type of the additional data**,” as recited in claim 1.

Claim 1 recites *inter alia*, “each of the distinct regions of each of the sub-planes includes an object so that the additional data of **each of the regions of each of the sub-planes** are configured to be **overlaid** in the video image.” The Examiner relies on Para. [0079-0080] of Mori to disclose the above limitation. However, as stated above and

discussed with the Examiner, Para. [0079-0080] of Mori only disclose overlaying the graphic signal on the video signal. Thus, **Mori does not disclose sub-planes which are divided into distinct regions**, where “**each of the regions of each of the sub-planes** are configured to be **overlaid** in the video image,” as recited in claim 1.

Claim 1 recites *inter alia*, “the additional data is included in a plurality of **distinct regions that do not overlap with each other**,” with “each of the **sub-planes including at least one of the distinct regions**.” The Examiner relies on Para. [0041] of Oh to disclose the “distinct regions” of claim 1. However, as shown in Fig. 2 and disclosed at Para. [0041] of Oh, **each “sub-picture” of Oh is merely a “subtitle code” that is stored in a separate region of the memory 202 in Oh**. Therefore, the regions or divisions in the memory 202 of Oh are not in any way disclosed as relating to “sub-planes” with “each of the **sub-planes including at least one of the distinct regions**,” as recited in claim 1.

As Examiner Adegeye was agreeable to the above arguments during the interview, he stated he would reconsider his rejections and that upon reconsideration, if he still disagreed with Applicants’ position, he would call Applicants. As such, Applicants encourage Examiner Adegeye to contact Applicant’s Representative Neel Patel at (703) 668-8033 prior to issuing an office action should he still disagree with Applicants’ arguments above.

Claim Rejections under 35 U.S.C § 103

Claims 1-3 and 6-25

Claims 1-3 and 6-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication 2002/0095531 (“Mori”) in view of U.S. Publication 2003/0099464 (“Oh”). Applicants respectfully traverse this rejection.

As summarized above and discussed in the Examiner interview, neither Mori nor Oh disclose all the limitations of claim 1, either singly or in combination. For at least the foregoing reasons, claim 1 is patentable over Mori and Oh. Even assuming *arguendo* that Mori and Oh are combinable (which Applicants do not admit), Oh still fails to remedy the deficiencies of Mori with respect to claim 1. Independent claims 6, 9, 11, 13, 15, 18, and 21 recite somewhat similar limitations to claim 1 and therefore are patentable for at least some of the reasons stated above with respect to claim 1. For example, independent claims 6, 11 and 15 recite *inter alia*, "different regions in a same plane." Dependent claims 2-3, 7-8, 10, 12, 14, 16-17, 19-20 and 22-25 are patentable at least by virtue of their dependency on one of independent claims 1, 6, 9, 11, 13, 15, 18, and 21. Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 103(a) be withdrawn.

Claims 4 and 5

Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mori in view of Oh as applied to claim 1, and further in view of U.S. Publication 2003/0117529 ("De Haan"). Applicant respectfully traverses this rejection.

Even assuming *arguendo* that Mori, Oh and De Haan are combinable (which Applicants do not admit), De Haan still fails to remedy the deficiencies of Mori and Oh with respect to claim 1. Dependent claim 4 and 5 are patentable at least by virtue of their dependency on independent claim 1. Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

Accordingly, in view of the above remarks, reconsideration of the objections and rejections and allowance of each of the claims in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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